SB Civil Misc. Appeal No.526/2001
(Smt. Yashoda Sharma & Ors. Vs. Uttam Phulaji and Ors.)

Date of Order: 17.2.2006

HON'BLE MR.JUSTICE BHAGWATI PRASAD

Mr. S.K. Sankhla, for the appellants
None present for the respondents.

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Heard learned counsel for the appellants. Learned counsel for the appellants has raised the grievance that his client was earning according to the revised pay-scale, Rs.4000/- per month from Railway. He was a Senior Traveling Ticket Examinor and considering his future prospects, the tribunal considered his salary Rs.5000/- per month. According to the learned counsel, the future prospect has not been rightly determined and considered Rs.5,000/-. He would have got two promotions on completion of 18 years and during this period of 18 years he would certainly get much more money than what has been computed. In any case Rs.5,000/- is much on lower side than he expected.

Since no one appeared for the respondents to controvert these facts, the court has to exercise its own discretion and in that view of the matter, it is held that the expected salary of Rs.5,000/- be considered as Rs.6,000/- and out of Rs.6,000/-, Rs.2,000/- as personal expenses and dependency goes up to the extent of Rs.4,000/-. This would mean, if the

dependency comes to Rs.4,000/- p.m. and when multiplied by 12 it is held that the deceased would have at least earned Rs.48,000/- yearly.

The amount of compensation will be calculated by treating his dependency to be Rs.4000/- per month after multiplying with 12, it comes to Rs. 48,000/- per annum. The multiplier used by the tribunal is 15 which is not interfered, this will make the amount to be Rs.48000 x 15 = 7,20,000/-. Rest of the amount related to other counts as ordered by the Tribunal are not interfered. The Tribunal will issue a fresh award.

The appeal is allowed as indicated above.

(BHAGWATI PRASAD),J

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